

CLARK, J.
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TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1952 1953

No. 101 2

HARRY BRIGGS, JR., ET AL., APPELLANTS,

vs.

R. W. ELLIOTT, CHAIRMAN, J. D. CARSON, ET AL.,
MEMBERS OF BOARD OF TRUSTEES OF SCHOOL
DISTRICT No. 22, CLARENDON COUNTY, S. C.,
ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF SOUTH CAROLINA

FILED JUNE 3, 1952

Probable jurisdiction noted June 9, 1952

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yourself, have you, except what you read from somebody else?

A. I haven't studied the school district other than the reports which have been made and the extent to which the school district appears in literature.

Q. You haven't seen anything about school district 22 in literature, have you?

A. No—the extent to which School District 22, of course, is part of the whole program of South Carolina—the extent to which information in regard to the school program of South Carolina would be applicable.

Mr. Figg: All right. That's all.

Judge Parker: Do you wish to ask him anything in rebuttal?

Mr. Carter: Not a thing.

Judge Parker: Stand down. Call your next witness.

Mr. Carter: I would like to call Mr. Kenneth Clark as a witness.

[fol. 116] Mr. KENNETH CLARK was duly sworn.

Direct examination.

By Mr. Carter:

Q. Mr. Clark, would you kindly state your occupation?

A. I'm Assistant Professor of Psychology at the New York City College, and Associate Director of the North Side School for child development in New York City.

Q. How long have you been Assistant Professor of Psychology at the New York City College?

A. I have been associated with New York City College since 1942, and I have been Assistant Professor since 1948, I think.

Q. How long have you been Director of the North Side Center?

A. My wife and I founded the North Side Center in 1946.

Q. And, what is the purpose of that organization?

A. It's a child guidance center. It seeks to help children with emotional problems. Children with behavior problems are helped by us in obtaining psychiatric aid for living a more adjusted life.

Q. Have you held any other positions other than those two?

A. Yes, I have. I was a reserve consultant for the American Youth Commission in their study of the effects of a minority status on the personalities of Negro youth. I was reserve associate with the Cornachie-Murdaugh study of the Negro in America. I was reserve associate with the Office of War Information during the war in their studies of morale problems in the American Negro. I worked rather recently with the mid-century White House conference on Children In Youth, preparing for them a manuscript on the effects of prejudice and discrimination on the personalities of children—white and Negro children. This manuscript was used last December in Washington at the White House conference on Children and Youth.

Q. Have you published any books or articles on this or any related subjects?

A. I have.

Q. Would you generally list them and where they appear?

A. Yes. Within the last ten years, I have published about twenty-five articles on the problem of social psychology with children and the effects of social situations on the personalities of children. They have appeared in the Journal of Abnormal and Social Psychology, the Journal of Social Psychology, the International Bulletin on Social Sciences published by the United Nations Organization. Some of these articles or chapters have appeared in books, such as Civilian Morale by Goodwin Watson, Human Nature and Enduring Peace by Gardner Murphy, and Readings and Social Psychology by Newman Hartley.

Q. Would you indicate your memberships, and the measures, in professional societies of your profession?

A. I am a Fellow in the Division of Personalities and Social Psychology of the American Psychological Association. I am a Fellow in the Society for the Sociological study of social issues, and I am a member of the Columbia University Chapter of The Honorary Scientific Research Organization.

Q. Well, is your Major or emphasis on child psychology?

A. Child and Social.

Q. Now, Mr. Clark, are there any methods of scien-

tifically determining a child's sensitivity to racial discrimination and its effects on its personality and development?

A. Yes, there are.

Q. Would you tell us what those methods are?

A. There are many methods which psychologists have developed in their attempts to measure the child's sensitivity, his awareness of racial problems, and the effects which these have upon him. These methods are generally listed under what psychologists call projective methods, in which the child, depending upon his age—younger children and some older ones too are presented with pictures; pictures of individuals in which the racial group is clear by the color of one or more of the pictures. And, the child is asked to interpret the meaning or significance of that picture. Sometimes the child may be asked to identify himself with one or the other individuals on the picture. Then, there are methods which my wife and I have developed of presenting the child with dolls—dolls which are equal in every respect—that is coming from the same mould, except skin color, and asking the child a number of questions about these dolls. Would you care to hear the questions that we ask?

Q. Well, just generally.

[fol. 119] A. Well, we ask the child which one of these dolls does he like best, which one is a "Nice" doll, which one is "bad," and we're interested not only in the child's response to the specific question, but we're also interested in his spontaneous remarks as he attempts to justify it. Then, in order to find out whether that is predicated upon the child's knowledge of the racial factor, which these dolls are supposed to symbolize, we ask the child which one is like a white child, which one is like a colored child, and finally the last question that we ask the child, after the child has expressed his opinion about the dolls, we ask the child "Which one is like you?" Another method which we have is the coloring method. We present the child with some pictures—line drawings—of various objects like the leaf, an orange, a mouse and an apple in order to see whether the child has any stable concept of color-object relationship. And, if we find that that's true, we then give the child a drawing of a little boy if he is a little boy and say "This

little boy is you," "Color him the color that you are." And, we get some picture of the child's concept of his own color, and we also get an indication of the child's anxieties and confusions about his color and his feelings. And, we present him with a picture of a little girl and we say to him "Color this little girl the color that you would like little girls to be." Here we get an indication of the child's preference or feelings about different shades of skin color. These are the [fol. 120] methods which are generally used.

Q. Now, am I correct in stating that you have examined all of the literature relating to this method—to this subject—in preparation of the manuscript for the White House Conference?

A. You are correct, sir.

Q. Now, what did the literature which you examined adduce?

Judge Parker: What's that question?

Mr. Carter: Sir, I have asked him about the methods in determining racial discrimination. Mr. Clark has taken all of the literature that has been written about the use of these methods by other psychologists and their results and their findings, and he has collated those in a book—a manuscript—which he has edited for the White House Conference. And, I merely wanted to get from him the general conclusions which were reached.

Judge Parker: Well, you have asked him about his opinion, but you can't ask him about conclusions reached from literature, can you? I have never heard of that being a competent question.

Mr. Carter: Well, sir, I thought that I——

Judge Parker: You can ask him what authorities he studied.

Mr. Carter: All right, sir.

Judge Parker: You know, we'll never end this case if [fol. 121] we go into that sort of question.

Mr. Carter: I didn't want to drag it out.

Judge Parker: All right.

By Mr. Carter:

Q. Well, are the methods which you have described accepted by child psychologists as being accurate aids to

determine what part racial discrimination plays in the development of the personality pattern?

A. These methods are generally accepted as indications of the child's sensitivity to race as a problem and the child's reactions—his own personal reactions to race as a problem.

Q. Now, based upon your own use of these methods and upon your study of the literature in the field, have you reached any conclusion as to the effect of racial discrimination on the personality development of the Negro child?

A. Yes, I have.

Q. What is that conclusion?

A. I have reached the conclusion from the examination of my own results and from an examination of the literature in the entire field that discrimination, prejudice and segregation have definitely detrimental effects on the personality development of the Negro child. The essence of this detrimental effect is a confusion in the child's concept of his own self esteem—basic feelings of inferiority, conflict, confusion in his self image, resentment, hostility towards himself, hostility toward whites, intensification of sometimes a [fol. 122] desire to resolve his basic conflict by sometimes escaping or withdrawing. And, if you care to see some of the results, I'll be happy to show them. They attempt to withdraw from the situation which threatens so basically their self-esteem. This is not only my opinion, but in a study conducted by two social scientists, Doetcher and Schime, they studied opinions of representative samples of social psychology, anthropology and sociology by those who have worked in this field, and they found that ninety percent of these social psychologists and social scientists agree that segregation definitely has negative detrimental effects on the personalities of those individuals who are the victims of segregation. And, in these specific areas which I have just enumerated, that was true.

Q. Now, Mr. Clark, have you any occasion—

A. May I continue because that is an answer only to one-half of your question because, actually, the problem is further explored by those of us who know the literature by showing that prejudice, discrimination and segregation have an effect upon the personality of the child who belongs to the discriminating or segregating group—the white child in this particular regard. The Doetcher and Schime re-

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search again showed that in this case eighty-two percent of the social scientists believed that the consequences of belonging to a segregating group also is detrimental. The pattern of the detriment is different in this case. Here it's the feeling of the social scientists that the basic personality [fol. 123] problem is guilty feelings. Another problem is confusion in the mind of the child—confusion concerning basic moral ideology—and a conflict which is set up in the child who belongs to the segregating group in terms of having the same people teach him Democracy, brotherhood, love of his fellow man, and teaching him also to segregate, and to discriminate. Most of these social scientists believe that this sets off in the personalities of these children a fundamental confusion in the entire moral spheres of their lives.

Q. Now, Mr. Clark, you had occasion, did you not, to test the reactions of the infant plaintiffs involved in this case by the use of the methods that determine sensitivity to racial discriminations?

A. Yes, I did.

Q. Now, will you tell us when you made these tests and what you did?

A. I made these tests on Thursday and Friday of this past week at your request, and I presented it to children in the Scott's Branch Elementary school, concentrating particularly on the elementary group. I used these methods which I told you about—the Negro and White dolls—which were identical in every respect save skin color. And, I presented them with a sheet of paper on which there were these drawings of dolls, and I asked them to show me the doll— May I read from these notes?

[fol. 124] Judge Waring: You may refresh your recollection.

The Witness: Thank you. I presented these dolls to them and I asked them the following questions in the following order: "Show me the doll that you like best or that you'd like to play with," "Show me the doll that is the 'nice' doll," "Show me the doll that looks 'bad'," and then the following questions also: "Give me the doll that looks like a white child," "Give me the doll that looks like a colored

child," "Give me the doll that looks like a Negro child," and "Give me the doll that looks like you."

By Mr. Carter:

Q. "Like you?"

A. "Like you." That was the final question, and you can see why. I wanted to get the child's free expression of his opinions and feelings before I had him identified with one of these two dolls. I found that of the children between the ages of six and nine whom I tested, which were a total of sixteen in number, that ten of those children chose the white doll as their preference; the doll which they liked best. Ten of them also considered the white doll a "Nice" doll. And, I think you have to keep in mind that these two dolls are absolutely identical in every respect except skin color. Eleven of these sixteen children chose the brown doll as the doll which looked "bad." This is consistent with previous results which we have obtained testing over three hundred children, and we interpret it to mean that the Negro child [fol. 125] accepts as early as six, seven or eight the negative stereotypes about his own group. And, this result was confirmed in Clarendon County where we found eleven out of sixteen children picking the brown doll as looking "bad," when we also must take into account that over half of these children, in spite of their own feelings,—negative feelings—about the brown doll, were eventually required on the last question to identify themselves with this doll which they considered as being undesirable or negative. It may also interest you to know that only one of these children, between six and nine, dared to choose the white doll as looking bad. The difference between eleven and sixteen was in terms of children who refused to make any choice at all and the children were always free not to make a choice. They were not forced to make a choice. These choices represent the children's spontaneous and free reactions to this experimental situation. Nine of these sixteen children considered the white doll as having the qualities of a nice doll. To show you that that was not due to some artificial or accidental set of circumstances, the following results are important. Every single child, when asked to pick the doll that looked like the white child, made the correct choice. All sixteen of

the sixteen pickd that doll. Every single child, when asked to pick the doll that was like the colored child; every one of them picked the brown doll. My opinion is that a fundamental effect of segregation is basic confusion in the individuals and their concepts about themselves conflicting in [fol. 126] their self images. That seemed to be supported by the results of these sixteen children, all of them knowing which of those dolls was white and which one was brown. Seven of them, when asked to pick the doll that was like themselves; seven of them picked the white doll. This must be seen as a concrete illustration of the degree to which the pleasures which these children sensed against being brown forced them to evade reality—to escape the reality which seems too overburdening or too threatening to them. This is clearly illustrated by a number of these youngsters who, when asked to color themselves— For example, I had a young girl, a dark brown child of seven, who was so dark brown that she was almost black. When she was asked to color herself, she was one of the few children who picked a flesh color, pink, to color herself. When asked to color a little boy, the color she liked little boys to be, she looked all around the twenty-four crayons and picked up a white crayon and looked up at me with a shy smile and began to color. She said, "Well, this doesn't show." So, she pressed a little harder and began to color in order to get the white crayon to show. These are the kinds of results which I obtained in Clarendon County.

Q. Well, as a result of your tests, what conclusions have you reached, Mr. Clark, with respect to the infant plaintiffs involved in this case?

[fol. 127] A. The conclusion which I was forced to reach was that these children in Clarendon County, like other human beings who are subjected to an obviously inferior status in the society in which they live, have been definitely harmed in the development of their personalities; that the signs of instability in their personalities are clear, and I think that every psychologist would accept and interpret these signs as such.

Q. Is that the type of injury which in your opinion would be enduring or lasting?

A. I think it is the kind of injury which would be as en-

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during or lasting as the situation endured, changing only in its form and in the way it manifests itself.

Mr. Carter: Thank you. Your witness.

Cross-examination.

By Mr. Figg:

Q. How many children did you say that you talked to up there last week?

A. I can give you the exact number, sir. I talked to sixteen children between the ages of six and nine, and I talked to some children between the ages of twelve and seventeen.

Q. How many?

A. Ten.

Q. Twenty-six, then, total?

A. Twenty-six total, yes, sir.

Q. And where did you talk with them?

A. I talked with them in a room provided for me by the [fol. 128] Principal in the Scott's Branch School.

Q. Do you remember his name?

A. I think his name is Mr. Wright. I think so.

Q. Who was present when you talked with these children?

A. In general no one, but there was one situation in which a Mr. Betchman, I think, opened the door and entered and asked me what I was doing, and I told him I was testing and if he wanted any further information he could ask Mr. Montgomery.

Q. Well, he wasn't present when you were talking to the children?

A. No.

Q. Well, that's what I asked you; not who opened the door.

A. That's the only situation I remember in which there was another person present.

Q. You didn't talk with the children with Mr. Betchman there at all?

A. I was talking to a child. That's why it stuck in my mind, because usually that doesn't happen.

Q. So, in each case you and the child only were present?

A. That's correct.

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Q. And you asked these questions and presented these exhibits and let the children make the selections?

A. That's right.

Q. And then you say you were forced to the conclusion, after talking to these children, that they had suffered harm [fol. 129] by attending the Scott's Branch School?

A. I was forced to the conclusion that they have definite disturbances and problems in their own self esteems; that they had feelings of inferiority that related to race.

Q. Because they had attended the Scott's Branch School?

A. No, because they perceived themselves in an inferior status—generally inferior.

Q. Well, the Scott's Branch School had nothing to do with it?

A. Well, I wouldn't say that, Counselor.

Q. Well, what would you say?

A. Well, I would say it would definitely—

Q. And why?

A. Because of some information which I got from the children between the ages of twelve and seventeen. As you can see, this method is not as sensitive for older children as it would be for younger children. So, it became apparent to me as I talked to the older children that I could get similar data by a different method; namely the interview method. And, I interviewed the older children, and I got from them definite and categorical statements concerning their feelings and their attitudes about attending Scott's Branch School, and I shall read some of them if you care for them.

Q. Well, you can read them; but who was present when you had this interview method with these older children? [fol. 130] A. No person is ever present.

Q. Just you and the child?

A. No person can be present under these circumstances.

Q. Just you and the child?

A. That's right.

Q. And you refer to that as the interview method?

A. The interview method.

Q. That means you ask them questions?

A. That's right.

Q. And they give you answers?

A. That's right.

Q. And the other method, you say, you devised yourself also?

A. It's a modification of methods which have been used by others too.

Q. Now, do you believe that there is such a conception as the universal consciousness of kind?

A. No, sir, I do not.

Q. You don't subscribe to that?

A. I don't believe that such a conception has any modern psychological validity.

Q. Do you believe that there is such a thing as recognizing the visible difference between races?

A. Oh, certainly, that is perceptible.

Q. And these children recognized the visible differences between those dolls that you showed them, didn't they?

[fol. 131] A. They recognized the visible differences between these two dolls.

Q. Do you recognize the psychology that people, based upon the Universal Consciousness of Kind, Social Heritage and the degree of Visibility of Differences between Races and so forth, enters into the problem of dealing with the existence of two different races in great numbers in a particular area?

A. I do not recognize that at all, sir.

Q. You don't recognize that?

A. I do not recognize it as a principle which should govern Democratic relations.

Q. Do you recognize that there is an emotional facet in the problem of two different races living in large numbers together in the same area?

A. I have just given you results which indicate the consequences of that kind of emotional tension.

Q. Well, did you examine any white children while you were up there?

A. I did not examine any white children in Clarendon County.

Q. Have you ever made any examination on what the effect would be in taking into account the present conditions at the present time in South Carolina of forcibly mixing the two races, say between the ages of seven and fourteen in the public schools?

A. I have no direct knowledge of that, sir, because I don't [fol. 132] know that.

Q. You haven't made any study of that?

A. May I ask for clarification of your question?

Q. I say, have you ever made any study sufficient to form an opinion as to what would be the effect psychologically upon the white children at the present time and under present conditions forcing them together in mixed schools—children of two races in such a place as School District 22 in Clarendon County?

A. Would you care for me to answer that question in terms of my opinion?

Q. I say, have you ever gone into that subject to determine what the contrary effect would be?

A. No, I could only give you an opinion as to what I believe would happen, but I couldn't tell you what I know would happen.

Judge Parker: The time for recess has arrived. How long is it going to take you to finish this cross examination?

Mr. Figg: I would just as soon take it up when we come back, your Honor, and I won't lengthen it.

Judge Parker: All right. We'll adjourn until half past two o'clock.

(Recess for lunch.)

Afternoon Session, Monday May 28, 1951.

Judge Parker: All right. Let the witness come back. Go ahead, Mr. Figg.

[fol. 133] Cross-examination.

By Mr. Figg—Continued.

Q. I think you said that you came down last Thursday and Friday to School District 22 in Clarendon County?

A. That's correct.

Q. And you administered this test that you had devised to some total twenty-six pupils?

A. That's correct, sir.

Q. Now, how were those pupils chosen?

A. A list of the children of the plaintiffs in this case was—

Q. Who had the list when you got there?

A. The person who accompanied me had the list.

Q. The person accompanying you?

A. The person who accompanied me had the list.

Q. Who was that?

A. A Mr. Montgomery.

Q. And who is he?

A. Mr. Montgomery is the person who lives and works in this area for the N. A. A. C. P.

Q. All right. Does he live in Summerton?

A. I do not think so.

Q. But he had a list of the children?

A. He had a list of the children of the plaintiffs.

Q. And you asked the principal for those particular children?

A. I asked the principal for all of those children between [fol. 134] the first and fourth grades.

Q. Well, I mean, every child that you talked to or administered the test to was on the list?

A. No, that's not true.

Q. What?

A. That's not true. I also asked for a child from each grade in which there was a plaintiff child that was of the same age and the same sex, between the ages of six and nine.

Q. Who selected those children?

A. I asked that they be selected at random except in terms of these things which I wanted controlled.

Q. Who did you ask to select them at random?

A. I asked Mr. Montgomery to ask the principal that.

Q. You didn't yourself ask the principal?

A. I talked to the principal when I first went in myself, yes.

Q. And got the permission for the entire thing?

A. Yes.

Q. Now, you said you arranged these tests yourself?

A. Yes. My wife and I developed these.

Q. Your wife and you?

A. We devised these particular tests.

Q. You and your wife devised these particular tests?

A. Yes.

Q. And how many times had it been used before you used [fol. 135] it at Clarendon?

A. I would say about—— You mean how many different people?

Q. Yes.

A. About four hundred.

Q. About four hundred. And, where was that done?

A. It was done in Springfield, Massachusetts and——

Q. How many there?

A. How many?

Q. How many at Springfield?

A. Oh, I would say about a hundred and fifty or something like that.

Q. About fifty?

A. A hundred and fifty.

Q. A hundred and fifty?

A. I would say so.

Q. And where else?

A. In Arkansas.

Q. How many there?

A. In Pine Bluff, Arkansas; Little Rock, Arkansas; and Hot Springs, Arkansas. I would say about a hundred and sixty or a hundred and seventy, or something of that sort.

Q. At any other places?

A. Some in New York. The results of the children we have tested in New York have not been published.

[fol. 136] Q. So that this method that you and your wife devised had been used on about four hundred children before this occasion?

A. Approximately, yes.

Q. And, would you say that that was a satisfactory demonstration of its accuracy and merit to base an opinion of its value on?

A. I would say so, particularly in the light of its use and its acceptance by other psychologists.

Mr. Figg: That's all.

Re-direct examination.

By Mr. Carter:

Q. Mr. Clark, this method that you and Mrs. Clark used, has this method been employed or used by other psychologists? Is your test a variation of the standard tests that are used or what?

A. I would say that it's a modification of a general type of test which has been used by some psychologists, yes, sir. It is a projective test.

Q. When you spoke of four hundred experiences, you are merely talking about the four hundred times in which you have used the test?

A. The four hundred times that I have used the method, yes.

Mr. Figg: May I ask him one more question, Your Honor?

Judge Parker: All right.

Recross examination.

By Mr. Figg:

Q. Has it been used by anybody else that you know of?
[fol. 137] A. Yes, sir, it has.

Q. Where was that?

A. A graduate student at Columbia University has used our method with white children. Unfortunately I have not gotten those results, but I have permitted her to use our dolls and our methods on a master's thesis which she was using.

Q. Well, may I ask why the standard or general tests were not used on this occasion?

A. Because there are no standardized or general tests for exploring this particular problem. This particular problem is a problem which has just been recently studied by the use of these tests. It therefore follows that the techniques are being developed and are being used.

Mr. Figg: That's all.

Judge Parker: Stand down. Call your next witness.

Mr. Marshall: May it please The Court, we had a conference during the luncheon recess. We only have available